GOVERNMENT OF INDIA
URBAN DEVELOPMENT AND POVERTY ALLEVATION
LOK SABHA

UNSTARRED QUESTION NO:2313
ANSWERED ON:13.03.2001
REMOVAL OF UNAUTHORISED CONSTRUCTIONS
PRIYA RANJAN DASMUNSI

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVATION be pleased to state:

(a) whether the Ministry had issued a public Notice in June,2000 that the flat owners who do not remove unauthorised constructions, their allotment would be cancelled and the action will be taken under Public Premises Act for acquisition of those flats;

(b) if so, the number of cases in which the allotment of flats were cancelled by the DDA and without filing cases under Public Premises Act for acquisition of those flats, orders were issued to the field staff to take physical possession of the flats after dispossessing the flat owners and seal them;

(c) the reasons for not following the proper and mandatory procedure of filing cases under the Public Premises Act for acquistion of such flats;

(d) the number of cases in which such orders were issued from 1.6.2000 to 31.12.2000 and the flat owners were subjected to harassment at the hands of the field staff; and

(e) the action proposed to be taken by the Government against the officers responsible for issuing such orders without following the mandatory procedure?

Answer

MINISTER OF STATE FOR URBAN DEVELOPMENT & POVERTY ALLEVIATION (SHRI BANDARU DATTATREYA)

(a): The Ministry of Urban Development & PovertyAlleviation had issued a Public Notice in June, 2000 for the information and guidance of allottees of D D A flats and their Welfare associations that unauthorised constructions and misuses of following nature were liable to demolition and also cancellation of the allotment lease of the flats:

(i) where construction has been done covering public space, particularly on columns;

(ii) the flat/construction has been commercialized, in part or full. (Professionals like Doctors/Architects/Advocates, etc.,using their properties for personal professional work, will not be treated as commercial units);

(iii) where additional storey or room has been built on terrace or rooftop;

(iv) where the neighbour has complained, with justification, of his property having been damaged or other-wise adversely affected by unauthorised construction done in the neighbourhood; and

(v) where two or more flats have been amalgamated.

(b)&(c): The DDA have reported that its LeaseAdministration branch (Housing) has cancelled the allotment of 103 flats during the period from 1.6.2000 to 31.12.2000 on account of violation of terms & conditions of allotments. Simultaneously, the concerned field staff was asked to take over the physical possession of these flats, as the allottees after cancellation of allotment/lease had become unauthorised occupants. In the directions given to the occupants of the flats, it was mentioned that in case vacant possession of the flat was not given, action under the Public Premises (Eviction of UnauthorisedOccupants) Act, 1971 shall be taken. Mandatory provisions of Acts and Rules are being followed.

(d): In no case where the allotment of flats was cancelled by the DDA, was the possession of the flat handed over by the unauthorised occupant to the field staff of the DDA. So, the question of any harassment ot the occupant of the flats by the field staff of the DDA does not arise.

However, some of the occupants who have taken remedial measures to remove the unauthorised construction/encroachment on public land and upon receipt of request from such allottees, their cases are being considred for restoration of allotments.

(e): In view of reply at (d) above, question does not arise.